

REMARKS

In the Office Action¹, the Examiner rejected claims 7, 16, and 25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0161918 to Asano et al. ("*Asano*"); and objected to the claims other than 7, 16, and 25 as being allowable if rewritten to comply with 35 U.S.C. § 112, second paragraph.

Applicants amend claims 7, 16, 25 and 30. Claims 1-5, 7-14, 16-20 and 25-32 are pending.

Applicants respectfully traverse the rejection of claims 7, 16, and 25 under 35 U.S.C. § 102(e) as being anticipated by *Asano*. *Asano* fails to teach each and every element of the claims.

For example, independent claim 7 recites, *intra alia*, a device-to-device authentication system for authenticating one or more devices on a local area network connectable to an external network via a router as a default gateway wherein a first device comprises "a unit configured to receive a request for permission to use a content from the second device," "a unit configured to permit the request when it is determined that the first device and the second device are on the same local area network," and "a unit configured to refuse the request when it is not determined that the first device and the second device are on the same local area network." *Asano* fails to teach or suggest the claimed first device.

¹ The Office Action may contain any number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Asano teaches a method for transmitting a packet between a first host and a second host via a router. Abstract. This method compares a destination MAC address with the MAC address of the router. ¶ [0028]. If they are not the same, the router discards the packet. *Id.* If they are the same, the router uses a destination IP address to replace the existing destination MAC address with a destination MAC address for the destination IP address. *Id.*

Asano does not teach or suggest a first device comprising "a unit configured to receive a request for permission to use a content from the second device;" "a unit configured to permit the request when it is determined that the first device and the second device are on the same local area network;" and "a unit configured to refuse the request when it is not determined that the first device and the second device are on the same local area network." Accordingly, *Asano* cannot anticipate claim 7.

Independent claims 16 and 25, while different in scope from claim 7 and each other, are not anticipated for at least reasons similar to those discussed above for claim 7.

Applicants respectfully traverse the objection to the claims other than 7, 16, and 25 as being allowable if rewritten to comply with 35 U.S.C. § 112, second paragraph. Applicants submit that the claims are compliant with 35 U.S.C. § 112, second paragraph. The Office Action states that

[c]laims except 7, 16 and 25, incorporate the phrase 'a source media control access address'. Examiner objects [to] these claims based on the interpretation of this phrase as being the 'media control access address' of a default gateway and the determination of 'local area network is taking

place at the 'first device', that is the location of 'a local environment management unit.' The objected claims are unclear as to where the determination is taking place.'

Office Action, page 4. However, as stated by the MPEP:

Breadth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph. MPEP § 2173.04 (emphasis added).

Accordingly, even if the claims do not require the determination to be preformed at a particular location, the pending claims still particularly point out and distinctly claim the invention as required by 35 U.S.C. § 112, second paragraph.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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